

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Unit: 3733

Attorney

Docket No.: ZIM0345

Applicant: Francisco Faoro et al.

Invention: AN APPARATUS FOR THE  
PREPARATION OF A  
FEMORAL CONDYLE

Serial No: 10/822,122

Filed: April 9, 2004

Examiner: Michael Araj

TERMINAL DISCLAIMER

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Michael D. Schwartz, Registration No. 44,326, am an Attorney of Record representing the Applicants in U.S. Patent Application Serial No. 10/822,122, filed April 9, 2004. Zimmer GmbH is the assignee and owner of 100 percent (100%) of the entire right, title and interest in U.S. Patent Application Serial No. 10/822,122 by virtue of assignments recorded on May 4, 2005, at Reel 016525, Frame 0343 and on June 15, 2006, at Reel 017978, Frame 0131. I have reviewed the above-mentioned application and, to the best of my knowledge and belief, title to U.S. Patent Application Serial No. 10/822,122 is in Zimmer GmbH.

On behalf of Zimmer GmbH, I hereby disclaim the terminal part of any patent granted on U.S. Patent Application Serial No. 10/822,122, entitled "An Apparatus for the Preparation

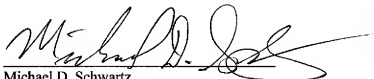
of a Femoral Condyle" filed April 9, 2004, which would extend beyond the expiration date of the full statutory term of any patent granted on U.S. Patent Application Serial No. 10/823,031, filed April 13, 2004, entitled "An Apparatus for the Preparation of a Femoral Condyle," which is assigned to Zimmer GmbH, and I hereby agree that any patent so granted on U.S. Patent Application Serial No. 10/822,122, filed April 9, 2004, shall be enforceable only for and during such period that the legal title of said patent shall be the same as the legal title to any patent granted on U.S. Patent Application Serial No. 10/823,031 filed April 13, 2004, this agreement to run with any patent granted on U.S. Patent Application Serial No. 10/822,122 and to be binding upon the grantee of such patent, its successor or assigns.

Petitioner does not disclaim any terminal part of any patent granted on U.S. Patent Application Serial No. 10/822,122, filed April 9, 2004, prior to the expiration date of the full statutory term of any patent granted on U.S. Patent Application Serial No. 10/823,031 filed April 13, 2004, in the event that any patent granted on U.S. Patent Application No. 10/823,031, later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the U.S. Patent Application Serial No. 10/822,122 or any patent issuing thereon.

The undersigned hereby authorizes the sum of \$130.00, which represents the requisite fee for filing this Terminal Disclaim under 37 C.F.R. 1.20(d), be charged to Deposit Account 02-0385, Baker & Daniels.

Date: November 6, 2006

  
Michael D. Schwartz  
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MD/mld

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CERTIFICATION OF ELECTRONIC FILING

I hereby certify that this correspondence is being electronically filed with the Commissioner for Patents, on: November 6, 2006

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MICHAEL D. SCHWARTZ, REG. NO. 44,326

Name of Registered Representative

  
Signature

November 6, 2006

Date